

### **Remarks/Arguments**

Claims 1-42 are pending in the application. Claims 1, 21, 41 and 42 are independent. The claims have been amended to more accurately reflect the invention. No new subject matter has been added as a result of this amendment.

The Examiner has objected to claim 1 because the acronym "API" was not spelled out in its first appearance in the claims. Accordingly, claim 1 has been amended to explicitly recite that the acronym "API" refers to an application program interface.

The Examiner has further objected to claims 21 to 40. Accordingly, claim 21 has been amended as suggested by the Examiner. Thus, Applicant submits that the objections to the claims be withdrawn.

The Examiner has rejected claims 1-8, 10-28 and 30-42 under 35 U.S.C. 102(e) as being anticipated by Jensen (US 2004/0261086). Applicant respectfully traverses the rejections.

Claim 1 recites a method for providing customized *provisioning of an application on a runtime environment of a terminal*, the application including content having at least one specified content type, the method comprising the steps of:

obtaining the content by the runtime environment;

for each content type, obtaining by the runtime environment a set of provisioning instructions related to the content, *the provisioning instructions being customized for different subsets of versions of the application* and being coupled to the application for specifying a provisioning application program interface (API) set for provisioning the application content on the terminal; and

executing by the runtime environment the provisioning instructions for employing the API set, by a provisioning service, to provision the application according to the specified content type.

As described in the specification and claimed by claim 1, each application includes a related set of provisioning instructions. The set of provisioning instructions provides the ability to customize how an application is provisioned **on a terminal**. That is, how an application is provisioned depends, in large part, on the provisioning instructions. Thus, for example, the same application can be provisioned differently on the same type of mobile device, depending on the provisioning instructions.

Further, the claim has been amended to more specifically recite that the **provisioning instructions are customized for different subsets of versions** of the application. Accordingly, the set of provisioning instructions provides the ability to customize how an application is provisioned on a mobile device. That is, how an application is provisioned depends, in large part, on the provisioning instructions. Thus, for example, the same application can be provisioned differently on the same type of mobile device, depending on the provisioning instructions.

This concept is described in detail on page 18, line 11 to page 20, line 2. Further, a concise description is provided in the example illustrated on page 27, line 8 to page 28, line 10 of the specification. In this example, a developer develops an application and provides a set of provisioning instructions accordingly. When the application is transferred to a carrier registry, so that it can be made available to clients, the carrier registry can include its own set of custom provisioning instructions. If one of the clients is a corporation, the corporation can include a further set of custom provisioning instructions.

Accordingly, it can be seen that even if two users have the exact same application executing on the exact same type of device, the application may be provisioned differently if the application versions is for a different carrier registry and/or a different corporation.

In contrast Jensen relates only to provisioning services on a server for transmission to a client terminal. All of the teaching in Jensen relates specifically to the configuration of the server, including the provisioning application, the provisioning API and the adaptors. However, the teachings in Jensen end once the services have been transmitted to the client. That is, Jensen is silent with regard to the provisioning of the service at the client.

Moreover, there is nothing in Jensen, even at the server side, that can be considered the equivalent of the provisioning instructions. Specifically, as stated, the provisioning instructions are customized for different subsets of users of the application. There is nothing in Jensen to suggest that a service is provisioned differently for different subsets of users. In fact, the actual provisioning instructions are largely ignored in Jensen as they are not central to the invention. Rather, the invention in Jensen relates to the ability of the provisioning application to be able to manage and communicate services to various devices.

Therefore, for at least the reasons discussed above, Applicant submits claim 1 is patentable in view of Jensen and, as such, requests that the rejection of claim 1 be withdrawn.

Independent claims 21, 41 and 42 are similar in scope to claim 1, and therefore a similar argument applies. Accordingly, we submit that the rejection to these claims be withdrawn for at least the same reasons.

Since the remaining dependent claims depend from one of the above noted independent claims, since we submit that the rejection of these claims be withdrawn for at least the same reasons.

For the foregoing reasons, the Applicant respectfully submits that the claimed invention is patentable over the prior art. Reconsideration and allowance of the claims is respectfully requested.

Respectfully submitted,

/Jonathan Pollack/

Jonathan Pollack  
Registration No. 49,065  
416 862 5405

Gowling Lafleur Henderson LLP  
1 First Canadian Place, Suite 1600  
Toronto, Ontario, M5X 1G5

TOR\_LAW\ 7084145\2